

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10370 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

RAMNIKLAL R NANDA

Versus

RETURNING OFFICER & OTHERS

Appearance:

MR MAHENDRA K PATEL for Petitioner
MRS SD TALATI ASSTT.GOVERNMENT PLEADER
for Respondent No. 1, 3
MR YOGESH S LAKHANI for Respondent No. 2

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 22/10/1999

ORAL JUDGEMENT

The learned counsel for the petitioner submits that in view of the opinion expressed by the District Registrar Co-operative Societies, Jamnagar in his letter dt. 2/7/1998, bye-laws can be amended only at the Annual General Meeting. However Section 13 of the Gujarat Co-operative Societies Act, 1961 provides that no

amendment of the Bye-laws of a society shall be valid until registered under the Act and that for the purpose of registration of an amendment of the bye-laws, a copy of the amendment passed, in the manner prescribed, at a general meeting of the society, shall be forwarded to the Registrar. Rule 6 of the Gujarat Co-operative Societies Rules, 1965 provides that Bye-laws may be made, altered or abrogated by a resolution passed at a general meeting of the society. The said Rule does not say that bye-laws can be altered only at the Annual General Meeting. Hence it is open to the Bank -respondent no.2 to amend the bye-laws in accordance with the rules by calling a General Meeting at any time. If the Bank -respondent no.2 feels inclined to amend the bye-laws, it may do so at the earliest and if possible before the date of next election. With this observation, the petition is disposed of. Rule is discharged, with no order as to costs.

Date:22/10/1999. ----
(ccshah)